

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES –Revenue Department - Certain irregularities committed by Sri A.Ramakrishna Reddy, formerly M.R.O, Repalle Mandal in illegal alienation of assigned lands - Disciplinary proceedings under rule 20 of A.P.C.S.(CC&A) Rules, 1991 –Articles of Charges – Issued.

REVENUE (VIG.II) DEPARTMENT

G.O. Rt. No. 810 .

Date:05.06.2010.

O R D E R:

It is proposed to hold an enquiry against A.Ramakrishna Reddy, formerly Mandal Revenue Officer, Repalle Mandall, Guntur District with other in accordance with the procedure laid down under rule 20 of A.P.C.S (CC&A) Rules, 1991.

2. The substance of imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charge (Annexure-I). A statement of imputations of misconduct/misbehaviour (Annexure-II). A list of documents by which by whom the proposed Articles of Charge are sustained (Annexure-III & IV).

3. Sri A.Ramakrishna Reddy, formerly Mandal Revenue Officer, Repalle Mandall, Guntur District is directed submit his written statement of Defence within (15) days from the receipt of the G.O.

4. Sri A. Ramakrishna Reddy is informed that an enquiry will be held only in respect of those Articles of Charge which are not admitted. He should, therefore specifically admit or deny each Article of Charge.

5. Sri A.Ramakrishna Reddy is also informed that if he does not submit his Written Statement of Defence on or before the date specified in para 3 above, further action will be processed based on material available on record exparte.

6. Attention of Sri A.Ramakrishna Reddy is invited to rule 24 of A.P.C.S (Conduct) Rules, 1964 under which, no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri A. Ramakrishna Reddy is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of A.P.C.S.(Conduct) Rules, 1964.

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri A. Ramakrishna Reddy, formerly M.R.O, Repalle, Guntur District
(through the CCLA, Hyderabad)

The Spl.C.S & the Chief Commissioner of Land Administration, Hyderabad.

Copy to

1.The Collector, Guntur District.
2.Ser (I), Revenue Department

// Forwarded by order //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S.Rev.Dept - Allegation of Corruption against Sri P.V.A.Sastri, formerly MRO Taluru Mandal now retired- trapped on 07.11.1997-Convicted by the Spl.Judge for SPE & ACB cases, Nellore in CCN 11/99 - withholding of entire pension and gratuity - Crl.Appeal NO 35/03 filed - Criminal Appeal allowed - Further action dropped - Orders- Issued.

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REVENUE(MGL) DEPARTMENT

GOR.Nb:756

Dated:

21.05.2010

Read the following;

1. From the DG ACB Rc.Nb.150/RCT-NPK/97,
D. 27.11.1998
2. From the DG ACB Rc.Nb.150/RCT-NPK/97,
D. 23.02.1999.
3. Judgment 23-12-2002 of SPE & ACB Court in CCN 11/99
4. Govt.Memo.Nb.3031/Mgl.I(1)/2001-2, D. 20.05.2003
5. P.V.A.Sastri, MRO(ret'd) Expln dt. 26.07.2008.
6. Crl.Appeal Nb.35 of 2003 filed by Sri PV.Sastri

MRO(Ret d) in the H gh Court of AP.

7.GOMS.No.1344 Rev (M GI I) Dept , dt .23.12.2003

8.Judgment dt .19.11.2009 of Hbn' bl e H gh Court of AP Ct .Appeal

Nb.35 of 2003

9.P.V.A Sastry, MRO(ret d) Rep., dt . 24.2.2010

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ORDER

It has been brought to the notice of the Govt., that Sri PVA Sastry, while working as Mandal Revenue Officer, Tallur Mandal in Prakasam District was trapped by the Anti Corruption Bureau authorities on 7-11-1997 when he demanded and accepted an amount of Rs.600/- from the complainant for doing official favour. The Anti Corruption Bureau, filed a charge Sheet in the Court of Special Judge for SPE & ACB Cases, Nellore against the Accused officer in CC No.11/99.

2. In the reference 3rd read above, the Special Judge for SPE & ACB Cases, Nellore, in his Judgment 3rd cited in CC No.11 of 1999, has found that Sri PVA Sastry, Mandal Revenue Officer(Ret d) is guilty and convicted him under Section 248 (2) Criminal Procedure Code in respect of the charges framed against him under Section 7 and 13(2) read with Section 13(1)(d) of Prevention of Corruption Act. The Accused officer was sentenced to undergo simple imprisonment for a period of 6 months and to pay a fine of Rs 1000/- and in default of payment of fine amount, to suffer further simple imprisonment for 15 days, under the first Count. The Accused Officer was further sentenced to undergo simple imprisonment for one year and payment of fine of Rs.2000/- and in default of payment of fine amount, to suffer further simple imprisonment for two months under the second count. Both the sentences were ordered to run concurrently.

3. Government after careful consideration of the Judgment of the Special Judge for SPE & ACB Cases, Nellore, have imposed a penalty of withholding both Gratuity and Pension in full permanently against Sri PVA Sastry, Mandal Revenue Officer (Ret d) under Rule 9 of APP Rules, 1980 for the charges held proved against him vide reference 7th read above. Aggrieved by the said orders Sri P.V.A Sastry, MRO(Ret d) has filed Ct .Appeal Nb.35 of 2003 in the High Court of AP against the orders of ACB Court.

4. The Hon' bl e High Court of AP, in the judgment dt .19.11.2009, while allowing the criminal appeal has set aside the conviction and sentence passed by the Spl .Judge for SPE & ACB Cases, Nellore and acquitted Sri PVA Sastry, MRO(Ret d) from the charge. The DG ACB while forwarding the Judgment copy of AP.HC has opined that it is not a

fit case to file SLP in the Supreme Court of India against the acquittal judgment of the Hon'ble High Court.

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5. Sri P.V.A.Sastry, MRO(Retd) in his representation on 9th read above has requested to pay pension and gratuity and all such arrears due to him from the date of his retirement in view of the his acquittal orders passed by the High Court of AP.

6. Government after careful examination of the representation of the individual and orders of the Hon'ble High Court AP hereby drop further action against the individual in this case.

7. The Spl .CS & the Chief Commissioner of Land Administration, Hyderabad shall take further action accordingly.

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P.V.A.Sastry, M.R.O (Retd), Prakasam District
(through the CCLA, Hyderabad)

The Spl .CS & the Chief Commissioner of Land Administration, Hyderabad

Copy to:

- 1.The Collector, Prakasam District
- 2.The Director General, Anti-Corruption Bureau, Hyderabad.
- 3.The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.
- 3.The Accountant General Andhra Pradesh, Hyderabad.

// Forwarded by order //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
REVENUE(VIG.II) DEPARTMENT

Memo.No.42557/Vig.II (1)/2009

Dated:12.05.2010

Sub: P.S-Tahsildars - Prakasam district - SN Padu mandal - Sri B. Sambasiva Rao, formerly MRO, Santhanuthalapadu (now retired) and Sri Ch Punnama Raju, formerly Mandal Surveyor, Prakasam district-Granted house sites irregularly in S.No.117, Donka Poramboke of Pernamitta village of Santanutalapadu Mandal-Departmental Common Procdgs under rule 24 read with rule 20 of APSCS (CCA) Rules, 1991-Article of charges issued-Enquiry officer/P.O appointed-EO Report submitted- Enquiry report communicated to Sri Ch Punnama Raju, formerly Mandal Surveyor, Prakasam district.

- Ref: 1. From the CCLA's Procdgs No.VSI(3)/22/07,dt.21.1.2008
2. From the CCLA's Procdgs No.VSI(3)/22/07, dt.21.1.2008
3. J.C & E.O's Ref No.A1/3184/2006, dt.30.07.2009
4. From the CCLA's Lr.No.VS-I (3)/22/07, dt.11.09.2009
5. Govt.Memo.No.42557/Vig.II (1)/2009-2,Dt.20.10.2009
6. From the CCLA's Lr.No.VS-I (3)/22/07, dt.26.03.2010

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The Chief Commissioner of Land Administration, Hyderabad vide his letter 1st cited has informed that basing on the report of the Collector, Prakasam district, common proceedings were initiated against Sri B. Sambasiva Rao, formerly MRO and Sri Ch. Punnama Raju, formerly Mandal Surveyor of Santhanuthalapadu Mandal of Prakasam district under rule 20 r/w rule 24 of the APCS (CC&A) Rules, 1991 and article of charges were framed against both the D.Os for the alleged irregularities commonly committed by them in issuing of house site pattas to 23 persons allotting Ac.0.02 cents n S.No.117 of Donka Poramboke of Pernamia village of SN Padu (M) without following the procedure by colluding with beneficiaries.

2. As the M.R.O denied the charges, the Chief Commissioner of Land Administration vide his Procdgs 1st and 2nd cited has appointed the J.C, Prokasam district as the Inquiring Authority and the District Revenue Officer, Prakasam was appointed as the P.O. The Inquiring authority has submitted his inquiry report vide ref 3rd cited holding the charges framed against both the A.O as proved.

3. Government in the Memo 5th cited have communicated the Enquiry report to Sri Ch Punnama Raju, formerly Mandal Surveyor, Prakasam district with a direction to submit his representation if any on the findings of the Enquiry Officer within 10 days from the receipt of the Memo. In the Memo he was also informed that if he fails to submit his explanation within the stipulated time, it is construed that he has no reply to submit and further action will be initiated as per the record available with Government. The Accused Officer has failed to submit his representation within the stipulated time.

4. Government after careful examination of the case, have decided to accept the Enquiry Report and impose a punishment of stoppage of two annual grade increments without cumulative effect on Sri Ch. Punnama Raju, formerly Mandal Surveyor. Accordingly it is hereby order that a punishment of stoppage of two annual grade increments without cumulative effect be imposed on Ch Punnama Raju, formerly Mandal Surveyor, Prakasam district as the charges framed against him are held proved .

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5. The Chief Commissioner of Land Administration, shall take further action accordingly.

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Ch Punnam Raju, formerly Mandal Surveyor, Prakasam district
(through the CCLA, Hyderabad)

The Chief Commissioner of Land Administration, Hyderabad (with a request to serve the Memo to the A.O and submit served copy to Govt immediately)
Copy to the Collector, Prakasam District.

// Forwarded by Order //

SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
REVENUE (VIG.II) DEPARTMENT**

Memo.No.5050/Vig.II (1)/2009

Dated:04.05.2010

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Sub: Public Servants - Revenue Dept-Kurnool District-Allegation of corruption against Sri N. Venkateswarlu, formerly Tahsildar, Banaganepalle Mandal, Kurnool District - Trapped on 30.01-2009 - Article of charges framed for non-submission of Annual Property Returns - Imposed punishment of stoppage of one annual grade increment without cumulative effect imposed by the Chief Commissioner of Land Administration, Hyderabad - Appeal filed before Government - Request for exonerating from the charges - Appeal allowed - Reg.

- Ref1.From the D.G, ACB Rc.No.26/RCT-KUR/09-S6,
Dt.17.08.2009
2.Govt Memo No.5050/Vig.II (1)/2009, Dt.18.11.2009
3.The CCLA's Procs. No.VS.I (5)/298/2009, dt.21.1.2010
4.Sri N. Venkateswarlu, formerly Tahsildar, Banaganepalle Mandal, Krishna District Appeal Petition Dt.20.03.2010.
5.Govt.Memo No.5050/VigII(1)/2009-2,ated:23.03.2010

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Sri N. Venkateswarlu, Tahsildar, Banaganapalli (M), Kurnool District, was trapped by the ACB authorities on 30.1.09 for demanding and accepting a bribe of Rs.30,000/- through Sri K.V.Raghava Reddy, V.R.O, Nandivargam village from the complainant for doing official favour to issue no objection certificates in respect of land in S.No.672 to an extent of 23.61 acres for granting quarry lease.

2. The D.G, ACB vide his final report 1st cited has recommended to prosecute both the A.Os in the Court of Law besides departmental action against the Tahsildar for not submitting annual property returns during his entire service. The A.O.Cs furnished by the D.G, ACB were sent to the CCLA vide Govt Memo 2nd cited with a request to initiate departmental action against the Tahsildar for not submitting annual property returns.

3. The Chief Commissioner of Land Administration has issued orders in his progs 3rd cited, after enquiring into the matter. In the enquiry the individual has admitted that he has not submitted APRs. As the charge is held proved the CCLA has imposed a punishment of stoppage one annual grade increment of pay without cumulative effect on Sri N. Venkateswarlu, Tahsildar under rule 9 (iv) of APSC (CCA) Rules, 1991 vide his Progs dt.21.1.2010.

4. Aggrieved by the punishment imposed by the Chief Commissioner of Land Administration, Sri N. Venkateshwarlu, Tahsildar filed an Appeal Petition before the Govt stating that in his entire service he has acquired small house in 1989 when he was working as Junior Assistant and the same has been informed to his superior officer. After that he has not acquired any movable/immovable properties. As he has not acquired any properties he has not submitted annual property statements to the District Collector. Due to frequent transfers he could not concentrate on submission of APRS from 2004 and requested to exonerate him from the punishment as he does not possess any movable or immovable properties disproportionate to his known source of income.

5. Government after careful examination of the Appeal Petition of the individual, observed that there was no intentional non-submission of Annual Property Returns on his part. Hence by taking a lenient view, Government have decided to set aside the orders issued by the Chief Commissioner of Land Administration vide his progs 3rd cited. Accordingly the Orders issued by the Chief Commissioner of Land Administration vide his Progs 3rd cited imposing a penalty of stoppage of one annual grade increment of pay without cumulative effect on Sri N. Venkateswarlu, Tahsildar is set aside.

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri N. Venkateswarlu, Tahsildar, Kurnool District
(through the CCLA, Hyderabad)
The SPI.C.S & the Chief Commissioner
of Land Administration, Hyderabad.
Copy to the Collector, Kurnool District.

// Forwarded by order //

SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

P.S-Revenue Department-Guntur District-Allegation of corruption against Sri M. Pedabai, formerly M.R.O, Tadikonda Mandal, Guntur District -place on his defence before the TDP- Dismissed from service - Appeal petition filed-Reviewed the punishment - Punishment of 50% cut in pension permanently imposed - request of employee to grant permission to retire from service on superannuation on 30.06.2008- post facto permission accorded - Orders issued.

REVENUE (VIG.II) DEPARTMENT

G.O.Rt.No: 671

Dated:04.05.2010
Read the following

- 1.Govt.Memo.No.58169/Vig.II (1)/2002-1,dt.19.09.2003
- 2.From the Secretary,TDP,D.No.S/28/2005,dt.5.11.2005
- 3.G.O.Ms.No.123 Rev (Vig.II) Dept, Dated:03.02.2010
- 4.From Sri M. Peddabbai, appeal petition dt.14.08.2008
- 5.G.O.Ms.No.836 Rev (Vig.II) Dept, Dated:13.08.2009
- 6.From the CCLA's Ref.No.XX3/121/2010, dt.12.4.2010.

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ORDER:

Sri M. Peddabbai, formerly Mandal Revenue Officer, Tadikonda Mandal Guntur District was trapped by the Anti Corruption Bureau authorities on 13.9.2002 when he demanded and accepted a bribe amount of Rs.1000/- from the complainant for doing an official favour. The case was entrusted to the TDP for causing a detailed enquiry vide Govt Memo 1st read above. The Secretary, TDP vide his letter 2nd read above, has submitted the report wherein the prosecution has fully established the charge against the C.O. Government, after following the due procedure, in the reference 3rd read above, have imposed a punishment of dismissal from service.

2. Sri M.Peddabbai filed an appeal petition before Government vide reference 4th read above, with a request to set aside dismissal orders. In the reference 5th read above, Government after considering the appeal petition, have issued orders imposing a punishment of 50% cut in pension permanently on Sri M. Peddabbai.

3. The Spl.C.S and the Chief Commissioner of Land Administration, Hyderabad vide his reference 6th read above, has requested to issue necessary retirement permission to retire Sri M. Pedabai, formerly M.R.O, Tadikonda Mandal, Guntur District on 30.06.2008 on attaining the age of superannuation in-view of orders issued in the G.O 5th read above.

4. Government after examination of the proposal submitted by the Spl.C.S & the Chief Commissioner of Land Administration, Hyderabad, hereby accorded post facto approval to retire Sri M. Pedabai, formerly M.R.O, Tadikonda Mandal, Guntur District from Government service on his attainment of superannuation age on 30.06.2008.

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5. The Spl.C.S & the Chief Commissioner of Land Administration, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Pedabai. formerly M.R.O, Tadikonda Mandal, Guntur District
(through the CCLA, Hyderabad)

The Spl.C.S & the Chief Commissioner
of Land Administration, Hyderabad

Copy to:

- 1.The Collector, Guntur District.
- 2.Revenue (Ser.II) Department, Secretariat.
- 3.The Accountant General, A.P. Hyderabad.

// Forwarded by order //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
REVENUE (VIG.II) DEPARTMENT

Memo.No.5050/Vig.II (1)/2009

Dated:04.05.2010

Sub: Public Servants - Revenue Dept-Guntur District-Allegation of corruption against Sri N. Venkateswarlu, formerly Tahsildar, Banaganepalle Mandal, Krishna District - Trapped on 30.01-2009 - Article of charges framed for non-submission of Annual Property Returns - Imposed punishment of stoppage of one annual grade increment without cumulative effect imposed by the Chief Commissioner of Land Administration, Hyderabad - Appeal filed before Government - Request for exonerating from the charges - Appeal allowed - Reg.

Ref 1.From the D.G, ACB Rc.No.26/RCT-KUR/09-S6, Dt.17.08.2009
2.Govt Memo No.5050/Vig.II (1)/2009, Dt.18.11.2009
3.The CCLA's Procs. No.VS.I (5)/298/2009, dt.21.1.2010
4.Sri N. Venkateswarlu, formerly Tahsildar, Banaganepalle Mandal, Krishna District Appeal Petition Dt.20.03.2010.
5.Govt.Memo No.5050/VigII(1)/2009-2,ated:23.03.2010

<<>>

Sri N. Venkateswarlu, Tahsildar, Banaganapalli (M), Kurnool District, was trapped by the ACB authorities on 30.1.09 for demanding and accepting a bribe of Rs.30,000/- through Sri K.V.Raghava Reddy, V.R.O, Nandivargam village from the complainant for doing official favour to issue no objection certificates in respect of land in S.No.672 to an extent of 23.61 acres for granting quarry lease.

2. The D.G, ACB vide his final report 1st cited has recommended to prosecute both the A.Os in the Court of Law besides departmental action against the Tahsildar for not submitting annual property returns during his entire service. The A.O.Cs furnished by the D.G, ACB were sent to the CCLA vide Govt Memo 2nd cited with a request to initiate departmental action against the Tahsildar for not submitting annual property returns.

3. The Chief Commissioner of Land Administration has issued orders in his progs 3rd cited, after enquiring into the matter. In the enquiry the individual has admitted that he has not submitted APRs. As the charge is held proved the CCLA has imposed a punishment of stoppage one annual grade increment of pay without cumulative effect on Sri N. Venkateswarlu, Tahsildar under rule 9 (iv) of APGS (CCA) Rules, 1991 vide his Progs dt.21.1.2010.

4. Aggrieved by the punishment imposed by the Chief Commissioner of Land Administration, Sri N. Venkateshwarlu, Tahsildar filed an Appeal Petition before the Govt stating that in his entire service he has acquired small house

in 1989 when he was working as Junior Assistant and the same has been informed to his superior officer. After that he has not acquired any movable/immovable properties. As he has not acquired any properties he has not submitted annual property statements to the District Collector. Due to frequent transfers he could not concentrate on submission of APRS from 2004 and requested to exonerate him from the punishment as he does not possess any movable or immovable properties disproportionate to his known source of income.

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5. Government after careful examination of the Appeal Petition of the individual, observed that there was no intentional non-submission of Annual Property Returns on his part. Hence by taking a lenient view this time, Government have decided to set aside the orders issued by the Chief Commissioner of Land Administration vide his progs 3rd cited. Accordingly the Orders issued by the Chief Commissioner of Land Administration vide his Progs 3rd cited imposing a penalty of stoppage of one annual grade increment of pay without cumulative effect on Sri N. Venkateswarlu, Tahsildar is set aside.

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri N. Venkateswarlu, Tahsildar, Kurnool District
(through the CCLA, Hyderabad)
The SPI.C.S & the Chief Commissioner
of Land Administration, Hyderabad.
Copy to the Collector, Kurnool District.

// Forwarded by order //

SECTION OFFICER

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH, HYDERABAD
AT HYDERABAD

W.P.NO. OF 2010

Between :

Government of Andhra Pradesh represented
By its Principal Secretary to Government,
Revenue Department, Secretariat, Hyderabad

....

PETITIONERS

AND

Sri M. Jeevan Rao S/o Late Narasimhulu
Retired M.R.O, R/o H.NO.6-1-5A,
Palakonda Raod, Srikakulam District ...
RESPONDENT

AFFIDAVIT

I, P.R.Nagulappa, S/o Late Sri Ramayya, aged about 56 years, Residing at Hyderabad, do hereby solemnly and sincerely affirm and state on oath as follows:

2. I am working as Assistant Secretary to Government, Revenue Department as such I am fully conversant with the facts of the case. I am authorized to depose this affidavit as 1st respondent.

3. It is submitted that the details of the case in brief are that Sri M. Jeevan Rao, formerly MRO, LN Peta was trapped on 15-5-02 by the Anti Corruption Bureau when he demanded and accepted a bribe amount of Rs.2000/- through his Attender Sri M.Krishna Rao, from the complainant Sri V.Panduranganadha Raju of LN Peta for showing official favour of not cancelling the complainants Patta. The Director General, Anti Corruption Bureau in his Final Report Rc.No.112/RCT-VSK/02-S12, Dt.27.05.2002 has recommended for placing both the Accused Officers on their defence before Tribunal for Disciplinary Proceedings (TDP). Accordingly Government in the Memo 2nd cited have placed both the Accused Officers on their defence before the Tribunal for Disciplinary Proceedings.

4. Submitted that the Secretary, Tribunal for Disciplinary Proceedings has furnished report of to Government vide his letter TDP Dis.No.S/60/04,

dt.19.01.2005. In the report, the Chairman, Tribunal for Disciplinary Proceedings who conducted the Enquiry, in respect of Sri M.Jeevan Rao, has stated that the A.O was not found guilty of the charge under the principle of benefit of doubt. However, he was not fully exonerated by the said Chairman.

5. Government in the Memo No.9988/Vig.II (1)/05-1, dt.11.07.2005 have issued Show Cause Notice to Sri M. Jeevan Rao and directed him to submit his representation against findings of the TDP report . Sri M. Jeevan rao has submitted his presentation on 27.09.2005. Government have taken provisional decision to impose a penalty of withholding 30% pension and gratuity permanently.Government after examination of the Tribunal for Disciplinary Proceedings report, records available with Government and written statement of defence of the individual have imposed a punishment of withholding 30% pension and gratuity permanently against Sri M. Jeevan Rao vide G.O.Ms.No. 455 Rev (Vig.II) Dept dt.02.03.2006

6. Submitted that aggrieved by the orders of Government, the individual has filed O.A. No. 5732 of 2006 in the A.P.A.T, Hyderabad. The notice of A.P.A.T in the said O.A was not received in the Revenue Department. Thus the fair counter was not filed to defend the decision of Government.

7. The A.P.A.T in their orders in O.A. No.5732 of 2006 filed by Sri M. Jeevan Rao,Tahsildar (Retd) have set aside the orders issued in G.O.Ms. No. 455 Vig.II) Dept, dt.2.3.06 and exonerated the A.O from the charge and ordered to pay full pension.

8. (2000) I Supreme Court Cases 416, in the case of High Court of Judicature At Bombay V/s Shashikants.Patil and another, Hon'ble Supreme Court of India held that the Division Bench of the High Court seems to have approached the case as though it was an appeal against the order of the administrative/disciplinary authority of the High Court. Interference with the decision of departmental authorities can be permitted, while exercising jurisdiction under Article 226 of the Constitution, if such authority had held proceedings in violation of the principles of natural justice or in violation of statutory regulations prescribing the mode of such enquiry or if the decision

of the authority is vitiated by consideration extraneous to the evidence and merits of the case, or if the conclusion made by the authority, on the very face of it , is wholly arbitrary or capricious that no reasonable person could have arrived at such a conclusion, or grounds very similar to the above, But it cannot be overlooked that the departmental authority (in case the Disciplinary Committee of the High Court) is the sole judge of the facts, if the enquiry has been properly conducted. The Settled legal position is that if there is some legal evidence on which the findings can be based, then adequacy or even reliability of that evidence is not a matter for canvassing before the High in a W.P filed under 226 of the constitution.

9. It is prayed that this Hon'ble Court may pleased to suspend the orders of the Hon'ble A.P.A.T. in O.A.No.5732/06 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

DEPONENT

Solemnly and sincerely affirmed on this
Day April, 2010 and signed his name
In my presence at Hyderabad.

ATTESTOR

VERIFICATION

I, PRNagul appa, S/o Late Panai ah, aged about 56 years, residing at Hyderabad, working as Assistant Secretary to Government, Revenue Department the deponent herein, do hereby declare that the facts stated in paragraphs 1 to 2 are true to the best of my knowledge, derived from perusing official records. Hence, verified this day 21 of April, 2010 at Hyderabad.

-Government Reader for Revenue (G A&R).

IN THE ADMINISTRATIVE TRIBUNAL ANDHRA PRADESH, HYDERABAD
AT HYDERABAD
O.A.No.2008/2010

Between :

Sri M.Prabhakarudu, Retd as M.R.O,
R/o Ramalingeswarapeta,
Tenali, Guntur District ... petitioner

AND

- 1.Government of Andhra Pradesh represented by its Principal Secretary to Government, Revenue Department, Secretariat, Hyderabad
- 2.The Chief Commissioner of Land Administration, A.P. Nampally Station Road, Hyderabad.
- 3.The District Collector,Prakasam At Ongole -523 001. Respondent

COUNTER AFFIDAVIT FILED ON BEHAL OF RESPONDENT.1

I, P.Reddi Nagulappa, S/o Ramaiah, aged about 56 years, Residing at Hyderabad, do hereby solemnly and sincerely affirm and state on oath as follows:

2. I am working as Assistant Secretary to Government, Revenue Department as such I am fully conversant with the facts of the case. I am authorized to depose this affidavit on behalf of the 1st respondent.
3. The facts of the case are that Sri M.Prabhakrudu the applicant in this case , while working as Mandal Revenue Officer, Chinaganjam Mandal, Prakasam District was trapped by the Anti-Corruption Bureau Officials on 06.11.2001, when he demanded and accepted a bribe amount of Rs.1500/- from the complainant Sri A.Krishna Reddy, for doing official favour of issuing house site pattas to the complainant and others.
4. The contention of the Accused Officer at para 6 (c) that the constable has taken the glass containing the solution in which his right hand finger was dipped into another room and brought it back later to his room stating that the solution has turned into light pink colour is baseless and concocted story. The Director General, Anti Corruption Bureau in his Final Report No.182/RCT-NPK/2001, Dt.17.7.02, has stated that after the successful trap, the Deputy Superintendent of

Police asked the Charged Person to keep apart both his hands. The Deputy Superintendent of Police got prepared sodium carbonate solution in four glass tumblers with the help of PC.1179, by securing water from M.R.O's office. On the instructions of the Deputy Superintendent of Police, Sri M Prabhakarudu, C.O, rinsed his right hand fingers in one of the glass tumblers containing sodium carbonate solution and on doing so, there was no colour change in the solution. Further, when the C.O rinsed his left hand fingers in another glass tumbler, containing sodium carbonate solution, the colour of the solution turned to light pink colour. As the allegations against the Accused Officer was substantiated, The Director General, Anti-Corruption Bureau has recommended for placing the Accused Officer on his defence before the Tribunal for Disciplinary Proceedings (TDP). After considering the recommendations of the Director General, Anti-Corruption Bureau, Government in the Memo.No.64417/ Vig.II (1) /02-2, dt. 27-01-2003 have placed the A.O. on his defence before the TDP.

4. It is submitted that the Secretary, TDP, Hyderabad has stated in his report in TEC No.55/2003 that P.W-3 Sri G. Venkataram Prasd's evidence probablises the evidence of PW-1 that he gave application to M.R.O which was forwarded to him and about Ex.P-4 endorsement made by him and PW-4 Sri S. Venkateswara Rao's evidence discloses that Ex.P-1 was forwarded by the Charged Officer on 31.10.2001 and he gave a report after making enquiry stating that the encroachment of PW-1 and 13 others are located in Sy.No.348 and he gave a report on 1.10.2001 and it is marked as Ex.P6. This evidence also discloses that the application was given by PW-1 to the Charged Officer. So, this evidence of PWs 1 to 7 clinchingly established about the applications given by PW-1 under Exs P-1 and P-3 and the evidence of PW-3

discloses that no pattas were given as on 6.11.2001 and the version of the Prosecution was probablised by the evidence of P.Ws-1 to 7. Even if for a moment, the version of the C.O is true, i.e if P.W-12 thrusted the amount into the pocket, naturally a prudent man would resist and try to catch hold of P.W-1 when he was going out, but he did not do so. Moreover, if really PW-1 thrusted the amount into the pocket of the C.O a prudent man would throw away the amount immediately, but no where it is established that the C.O tried to catch hold of PW-1, nor throw the amount from his possession and the evidence of PWs 6 & 7 as well as PW-5 discloses that the C.O himself gave that amount to trap the party when they asked for it and it is an admitted fact that the C.O is the authority who has to issue pattas and PWs 3 and 4 are his subordinate officers and he cannot throw his burden on them that they have not cleared the file. So, the evidence of PW-1 coupled with the evidence of PWs 5 and7 clinchingly established that PW-1 gave Exs P.1 and P.3 applications to the C.O and the Charged Officer demanded and accepted the bribe amount from PW-1. The T.D.P in the report finally concluded that the Prosecution has established the charge made against the C.O in all probabilities . In the result the Charged Officer is liable to be punished under Rule 2 (b) of A.P.Civil Service (Disciplinary Proceedings Tribunal) Rules, 1989 r/w G.O.Ms.No.205,GAD, dt.5.6.1998 and liable to be punished under Rule 9 (ix) of CCA Rules.Thus the contention of the Charged Officer at para 6 (e) in the O.A is not correct.

5. It is further informed that as per G.O.Ms.No.2, General Administration (Ser.C) Department, dt.4.1.1999, Government have directed that in all proved cases of misappropriation, bribery, corruption etc. the penalty of dismissal from service shall be imposed. The proviso

to rule 9 of the APCS (CCA) Rules, 1991 as amended in G.O.Ms.No.458, GAD dt. 22-9-2009 also provides that in bribery cases the penalty of dismissal from service shall be imposed. As the Charged Officer has retired from service on 30.09.2003, the corresponding penalty to the dismissal from service i.e with holding of pension and gratuity in full permanently was to be imposed.

6. Accordingly, Government have examined the report of the TDP, explanation submitted by the individual and keeping in view the provision of the above said G.O and existing rules have decided the case independently and without being influenced in any manner by the recommendation of the Tribunal for Disciplinary Proceedings relating to the quantum of punishment and imposed a punishment of withholding of pension and gratuity permanently vide G.O.Ms. No. 238, Revenue Dept. dt. 27-2-2007.

7. Aggrieved by the said G.O, the AO has filed O.A.No.2008/2010 before the APAT and the APAT in their orders dt.1-4-2010 directed that;

" As the Tribunal for Disciplinary Proceedings suggested the punishment to be imposed on the applicant, which is illegal and as the applicant has already retired from service on 30.09.2003, the impugned G.O.Rt.No.238, dt.27.2.2007 of the 1st Respondent is suspended".

8. It is submitted that the Supreme Court in State of Uttranchal Vs.Kharak Singh (2008(8) SCC 236) held that though there is no specific bar in offering the views by the enquiry officer, in the case on hand the Enquiry Officer exceeded his limit by saying that the officer has no right to continue in Govt. service and he has to be dismissed from service with immediate effect. Awarding of the appropriate punishment is an exclusive jurisdiction of the punishing / disciplinary authority and it depends upon the nature of gravity of the proved charge or charges and other attended circumstances.

9. The Supreme Court in Municipal Committee, Bahadur Garh Vs.Krishnan Bihari (1996 (2) SCC 714) held that in cases involving corruption, there cannot be any punishment other than dismissal. Any sympathy shown in such cases is totally uncalled for and opposed to public interest.

10. In view of the above law laid down by the Apex Court, the E.O. is not obliged to make any recommendations in the matter of punishment to be imposed on the Govt. servant and even if he makes recommendations on the penalty to be imposed on the delinquent employee, the entire enquiry report has to be communicated to him. In this case the entire report of the Tribunal for Disciplinarily Proceedings was communicated to the Charged Officer vide Government Memo No.62696/Vig.II (1)/05-1, dt.13.07.2006 with a direction to submit his explanation against the findings of the Tribunal for Disciplinary Proceedings. The writ petitioner has submitted his explanation vide his ref dt.04.09.2006. In this case, enquiry was conducted by the T.D.P on the corruption charge framed against Sri M.Prabhakarudu, formerly M.R.O, Chinaganjam, Prakasam District and the charges were proved. In the proven cases, involving corruption, there cannot be any other punishment than dismissal or withholding of 100 % pension and gratuity permanently.

It is submitted further that as per rule 9 of A.P.Pension Rules, 1980, consultation with Andhra Pradesh Public Service Commission is not necessary, where the pensioner is found guilty in any judicial proceedings.

11. It is submitted that in view of the aforesaid factual aspects, material on record, legal position and circumstances, the relief sought by the applicant as prayed for is not maintainable. The departmental

proceedings were already concluded duly following the procedure within the time prescribed and orders were issued vide G.O.Ms.No.238, Revenue (Vig.II) Department, dt.27-02-2007 and the same was communicated to the applicant. The applicant has suppressed these facts and approached the Hon'ble Tribunal with unclean hands. There were no merits in the application filed before this Tribunal by the applicant and the same is liable for dismissal.

12. Hence it is humbly submitted that the interim orders of the Hon'ble Andhra Pradesh Administrative Tribunal in suspending the impugned order of G.O.Ms.No.238, dt. 27-02-2007 is contrary to the well settled principles of law.

13. In view of the said facts and circumstances, it is therefore prayed that the Hon'ble Tribunal may be pleased to vacate the interim orders in O.A.No.2008/2010, dated.19-3-2010 and dismiss the O.A, as it is devoid of merits in the interest of justice

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

Solemnly and sincerely affirmed on this Day, April, 2010 and signed his name in my presence at Hyderabad.

SECTION OFFICER

VERIFICATION

I, P.Reddi Nagulappa, S/o Ramaiah, aged (56) years, residing at Hyderabad, working as Assistant Secretary to Government, Revenue Department the deponent herein, do hereby declare that the facts stated in paragraphs 1 to 14 are true to the best of my knowledge, derived from perusing official records and the contents in paragraphs..... are based on legal advise. Hence, verified this day of 2009 at Hyderabad.

IN THE ADMINISTRATIVE TRIBUNAL ANDHRA PRADESH, HYDERABAD
AT HYDERABAD
O.A.No.1698/2010

Between :

Sri P.R.Vikram Reddy, Formerly Tahsildar,
Gonegandla Mandal, Kurnool Dist.
(Now under order of dismissal)
R/o.Flat No.201, Plot No.74, Kalyan Nagar, ... petitioner
Hyderabad.

AND

Government of Andhra Pradesh represented
by its Principal Secretary to Government,
Revenue Department, Secretariat, Hyderabad Respondent

AFFIDAVIT

I, P.Reddi Nagulappa, S/o Ramaiah, aged about 56 years, Residing at Hyderabad, do hereby solemnly and sincerely affirm and state on oath as follows:

2. I am working as Assistant Secretary to Government, Revenue Department as such I am fully conversant with the facts of the case. I am authorized to depose this affidavit on behalf of the 1st respondent.

3. It is submitted that the details of the case in brief are that Sri P.Vikram Reddy, MRO, Gonegandla, Kurnool was trapped by the officials of ACB on 20-8-2002 when he demanded and accepted a bribe of Rs.700/- from the complainant for doing official favour of issuing pattadar pass books in the name of the complainant and his two elder brothers separately as their ancestral property was partitioned. The DG, ACB has recommended to place the A.O. on his defence before the T.D.P. Accordingly, Govt. in Memo.No.73603/Vig.II(0)/02, dt. 30-4-2003 have placed the A.O. on his defence before the TDP, Hyderabad.

4. It is submitted that the Secretary, TDP, Hyderabad has submitted their report in TEC No.26/2004 and observed that as per the version of the C.O as found in Ex.P-12 is that the C.O requested PW-5, I.O to pardon him for his guilt of receiving bribe from PW-1, that he demanded and accepted bribe from P.W-1, so saying, he voluntarily took out a wad of currency notes from his left side pant pocket and that P.W-1 approached him on the date of the trap at about 12-45 P.M in his chamber and requested to issue their PPBs.

On that, he issued Pattadar Pass Books Then the complainant himself gave an amount Rs.700/- to him for the help rendered to him in issue of PPBs. But he never demanded bribe from the complainant. From the above it is seen that the C.O made different statements at different times at the stage of Ex.12. The above case was not at all put forward by the C.O in his spontaneous version at the stage of EX.P-12. If that was true, he could have stated the same at the stage of Ex.p-12. This implicates that the defence is an thought and it cannot be sustained. The version of the C.O at the stage of Ex.P12 is foremost and it must prevail. The T.D.P concluded that the prosecution has established the charge and recommended for dismissal of the A.O. 01. Govt have called for the explanation of the individual while communicating the TDP report.

5. It is further informed that as per G.O.Ms.No.2, General Administration (Ser.C) Department, dt.4.1.1999, Government have directed that in all proved cases of misappropriation, bribery, corruption etc. the penalty of dismissal from service shall be imposed. The proviso to rule 9 of the APSCS (CCA) Rules, 1991 as amended in G.O.Ms.No.458, GAD dt. 22-9-2009 also provides that in bribery cases the penalty of dismissal from service shall be imposed.

6. Accordingly, Government have examined the report of the TDP, explanation submitted by the individual and keeping in view the provision of the above said G.O and existing rules have dismissed the A.O. from service vide G.O.Ms.No.139, Revenue Dept. dt. 17-2-2010 as in the proven cases, involving corruption, there cannot be any punishment other than dismissal.

7. Aggrieved by the said G.O, the AO has filed O.A.No.1698/2010 before the APAT and the APAT in its order dt.19-3-2010 directed that

“The TDP enquired into the allegations against the applicant and recommended to the Govt. for dismissal of his services which against the rules. In a case between STATE OF GUJARAT VS.R.G.TEREDESI AND ANOTHER REPORTED IN 1959 2 SCC 157, THE SUPREME COURT OBSERVED AS FOLLOWS:

“Although neither the findings nor the recommendations of the enquiry officer are binding on the Govt. and the enquiry officer is under no obligation or duty to make any recommendations in the matter of punishment to be imposed, his function being merely to conduct enquiry and submit record along with his findings or conclusions on the various charges, if the enquiry officer has also made recommendations in the matter of punishment that would likely affect the mind of the punishing authority even with regard to penalty or punishment to be imposed on such officer. The requirement of a reasonable opportunity, therefore, would not be satisfied unless the entire report of the enquiry officer including in the views in the matter of punishment are disclosed to the delinquent servant”

The above decision of the Apex Court was followed in a case between STATE OF UTTARANCHAL and OTHERS reported in (2008) 2 SCC (L&S) 698m reiterating the same, in paras 18 and 19.

Under these circumstances, pending disposal of the O.A., the impugned G.O.Ms.No.139, dt. 17-2-2010 of the 1st respondent is suspended and the respondents are directed to reinstate the applicant into service.”

8. I submit that the Supreme Court in Union of India vs. Mohd.Ramzan Khan (AIR 1991 SC 471) held that supply of a copy of the Enquiry Report along with recommendations, if any, in the matter of proposed punishment to be inflicted would be within the rules of natural justice.

9. It is submitted that the Supreme Court in State of Uttranchal Vs.Kharak Singh (2008(8) SCC 236) held that though there is no specific bar in offering the views by the enquiry officer, in the case on hand the Enquiry Officer exceeded his limit by saying that the officer has no right to continue in Govt. service and he has to be dismissed from service with immediate effect. Awarding of the appropriate punishment is an exclusive jurisdiction of the punishing / disciplinary authority and it depends upon nature of gravity of proved charge and charges and other attended circumstances.

10. The Supreme Court in Municipal Committee, Bahadur Garh Vs.Krishnan Bihari (1996 (2) SCC 714) held that in cases involving corruption, there cannot be any punishment other than dismissal. Any sympathy shown in such cases is totally uncalled for and opposed to public interest.

11. In view of the above law laid down by the Apex Court, the E.O. is not obliged to make any recommendations in the matter of punishment to be imposed on the Govt. servant and even if he makes recommendations on the penalty to be imposed on the delinquent employee, the entire enquiry report has to be communicated to him. Accordingly the report Tribunal for Disciplinary Proceedings was communicated to the Charged Officer vide Government Memo No.73603/Vig.II (1)/02, dt.7.6.02 with a direction to submit his explanation against the findings of the Tribunal for Disciplinary Proceedings. He has submitted his explanation vide his ref dt.16.06.2008 reiterating his earlier submissions. In this case, enquiry conducted by the T.D.P on the corruption charge framed against Sri P.Vikram Reddy is proved. In the proven cases, involving corruption, there cannot be any other punishment than dismissal.

12. It is further submitted that as per instructions issued in Govt. Memo. No.1621/ Spl.B/2001-1,General Administration (Spl.B) Department, dt.26.11.2001, wherein it was specifically directed that action should be taken forthwith for dismissal of public servants convicted of corruption and criminal misconduct immediately upon such conviction without waiting for any appeal. It is submitted that in view of the aforesaid factual aspects, material on record, legal position and circumstances, the relief sought by the applicant as prayed for is not maintainable. The departmental proceedings were already concluded duly following the procedure within the time prescribed and orders were issued vide G.O.Ms.No.139, Revenue (Vig.II) Department, dt.17-2-2010 and the same was communicated to the applicant. The applicant has suppressed these facts and approached the Hon'ble Tribunal with unclean hands. There are no merits in the application filed by the applicant and the same is liable to be dismissed in the interest of justice.

13. I submit that the interim orders of the Hon'ble Andhra Pradesh Administrative Tribunal in suspending the impugned order of G.O.Ms.No.139, dt. 17-2-2010 is contrary to the well settled principles of law.

14. In view of the said facts and circumstances, it is therefore prayed that the Hon'ble Tribunal may be pleased to vacate the interim orders in O.A.No.1698/2010, dated.19-3-2010 and dismiss the O.A, as it is devoid of merits in the interest of justice

DEPONENT

Solemnly and sincerely affirmed on this
Day, April, 2010 and signed his
name in my presence at Hyderabad.

Section officer

VERIFICATION

I, P.Reddi Nagulappa, S/o Ramaiah, aged (56) years, residing at Hyderabad, working as Assistant Secretary to Government, Revenue Department the deponent herein, do hereby declare that the facts stated in paragraphs 1 to 14 are true to the best of my knowledge, derived from perusing offi
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cial records and the contents in paragraphs..... are based on legal advise. Hence, verified this day of 2009 at Hyderabad.

Government Pleader for Services-II.

DEPONENT

Section Officer

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH, HYDERABAD
AT HYDERABAD

W.P.NO. OF 2010

Between :

1. Government of Andhra Pradesh represented
By its Principal Secretary to Government,
Revenue Department, Secretariat, Hyderabad
2. The Chief Commissioner of Land Administration,
Andhra Pradesh, Hyderabad.
3. The District Collector,
Visakhapatnam District
4. The Accountant General, Andhra Pradesh
Hyderabad.

PETITIONERS

AND

Ch.Purushotham, M.R.O (Retd),
Adarsh Nagar, Visakhapatnam. RESPONDENT

AFFIDAVIT

I, P.R.Nagulappa, S/o Late Sri Ramayya, aged about 56 years, Residing at Hyderabad, do hereby solemnly and sincerely affirm and state on oath as follows:

2. I am working as Assistant Secretary to Government, Revenue Department as such I am fully conversant with the facts of the case. I am authorized to depose this affidavit on behalf of 1st respondent.

3. It is submitted that the details of the case in brief are that Sri Challa Purushotham, M.R.O, Koyyuru Mandal, Visakhapatnam was trapped by the Anti-Corruption Bureau authorities on 08.02.2002 when he demanded and accepted bribe of Rs.3,000/-for showing official favour in issuance of Integrated Caste certificate to the sister-in-law of the complainant. The Director General, Anti-Corruption Bureau, Hyderabad, vide his final report Rc.No.30/RCT-WVP/2002,dt.21.06.2002, has recommended for prosecution in the Court of Law against the A.O for demanding and accepting bribe.

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Government have accorded permission to the Director General, Anti-Corruption Bureau, Hyderabad to prosecute Sri Ch.Purushotham in the Court of Law vide G.O.Ms.No.472 Dt.27.3.2003. He was retired on 31.10.2005.

4. The Hon'ble III Addl.District and Sessions cum Spl. Judge for ACB, Cases, Visakhapatnam delivered the judgment on 28.2.09 in C.C.No.21/2003. The Special Judge, A.C.B. Court found the A.O Sri Ch. Purushotham, MRO guilty of the offences under Section 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 and convicted him U/s 248 (2) Cr.P.C. The A.O was sentenced to undergo R.I for six months and to pay fine of Rs.500/- and in default of payment of fine amount to undergo one month S.I for the offences U/s 7 of P.C. Act. Further the A.O was sentenced to undergo R.I for one year and to pay fine of Rs.1,000/- in default of payment of fine amount to suffer S.I for three months for the offence U/s 13 (2) r/w 13 (1) (d) of P.C. Act, 1988. Both the sentences were ordered to run concurrently.

5. Sri Ch.Purushotham, M.R.O (Retd) filed Crl.Appeal No.397/2009 in the High Court of A.P against conviction order of III Additional District and Sessions cum Spl.Judge for Anti-Corruption Bureau, Cases Visakhapatnam. The Hon'ble High Curt of Andhra Pradesh, while admitting the said appeal

suspended the sentence of imprisonment alone pending disposal of the Criminal Appeal filed by the M.R.O (Retd)

6. Government, after careful examination of the Judgment of the ACB Court in CC No.21/2003 have provisionally decided to withhold the entire gratuity and pension permanently against Sri Ch. Purushotham, M.R.O (Retd) under rule 9 of A.P.Revised Pension Rules, 1980 and directed Sri Ch. Purushotham to submit his explanation if any against the proposed punishment within 15 days from the date of receipt of Govt Memo.No.21303/Vig.II (1)/2007, Rev (Vig.II) Dept, dt.28.4.2009 failing which further action will be taken basing on the

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merits of the case. Though he acknowledged the receipt of Government Memo said above, he failed to submit his explanation within the time prescribed. Having not received his explanation, basing on the available records, Government vide G.O.Ms.NO. 1093 Rev (Vig.II) Dept, dt.20.10.2009 confirmed the provisional decision to impose the penalty of withholding the gratuity and pension in full permanently on Sri Ch.Purushotham erstwhile M.R.O, Koyyuru Mandal, now retired, under Rule 9 of A.P.R.P Rules, 1980 and directed the Spl.C.S & the Chief Commissioner of Land Administration, Hyderabad to take further action in the matter accordingly.

7. The Spl.C.S and the Chief Commissioner of Land Administration, Hyderabad vide his Lr.No.W1/1915/07,dt.3.11.2009 addressed the Accountant General, Andhra Pradesh with a request to withhold full pension and gratuity permanently as per the orders of Government and issued necessary orders directing the District Treasury Officer, Visakhapatnam District accordingly.

8. Sri Ch.Purushotham, Retd M.R.O has filed O.A No.12326/2009 in the A.P. Administrative Tribunal at Hyderabad. In the O.A he has stated that he has preferred an appeal in Crl.Appeal No.397 of 2009 in Crl.M.P.No.944 of 2009 before the Hon'ble High Court of A.P and the High Court while admitting

the appeal, suspended the sentence of imprisonment alone and the said Criminal Appeal is still pending. He has retired from service on 31.10.2009 and he continued to draw the provisional pension till today. Due to the Chief Commissioner of Land Administration's Lr.No.W1/1915/07, dt.3.11.2009 to the A.G.A.P his provisional pension was stopped, which is illegal, arbitrary and illegal as the case filed by him in Crl.Appeal in397/09 was pending in the Hon'ble High Court and requested the Hon'ble A.P.A.T for directions to the respondents to continue to pay the provisional pension to the applicant pending finalization of the Criminal appeal.

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9. The Hon'ble Tribunal in their order in O.A No.12326/2009 directed the Respondents to pay the Provisional pension to the Applicant pending disposal of the Criminal Appeal No.397/09 pending before the Hon'ble High Court.

10. It is submitted that a single Member Bench of the A.P.High Court in Khaja Syed Rafiuddin vs. Govt. of A.P. (2009(1)ALD 215) held that once an employee is convicted of corruption charges, he does not have any right to receive pension of any kind, provisional or regular, even if the sentence is suspended in criminal appeal.

11. The Division Bench of the Aurangabad Bench, Bombay High Court in Suresh Dada Rao Suryavansi Vs.State of Maharastra (2008 Lab(NOC) 499) held that a convicted pensioner is not entitled to claim provisional pension. The Rajasthan High Court also took the same view in its Judgement reported in (2009 lab I.C.4024).

12. It is submitted that the provisions of Rule 52 of A.P.Revised Pension Rules, 1980 are not applicable to the applicant since he was found guilty by the Hon'ble Prl.Spl.Judge for SPE & ACB cases and accordingly the Govt. have imposed the punishment of withholding the pension and gratuity of the

applicant in full permanently vide G.O.Ms.No.1093, dt. 20-10-2009. The applicant has not preferred any review or revision on the aforesaid orders passed by the disciplinary authority. In G.O.Rt.No.1097,Fin Dept.dt.22-6-2000, it is clearly mentioned that the Government employees against Whom the Departmental proceedings or Criminal proceedings are pending at the time of retirement, need not be released any terminal benefits (within the meaning of Rule 9 of APRP Rules, 1980).

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13. It is further submitted that as per instructions issued in Government Memo.No.1621/Spl.B/2001-1,G.A(Spl.B) Dept.,dt.26-11-2001,wherein it was specifically directed that action should be taken forthwith for dismissal of public servants convicted of corruption and criminal misconduct immediately upon such conviction without waiting for any appeal.

14. It is submitted that as per the apex court observations and rules in force the convicted persons are not eligible to receive provisional pension on the plea that criminal appeal is pending before the Hon'ble High Court of A.P.. The Departmental proceedings were already concluded duly following the procedure within the time prescribed and orders were issued vide G.O.Ms.No.1093, dt. 20-10-2009 and the same was communicated to the applicant. The applicant has suppressed these facts and approached the Hon'ble Tribunal with unclean hands.

15. It is further submitted that in a recent similar case in W.P.No.20048/09, dt.18.09.2009, the Hon'ble High Court has granted stay of operation of the A.P.A.T's orders dated 2-4-2009 issued in O.A.No.4983/09.

16. It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or a direction, more particularly one in the nature of Writ of Certiorari, calling for the records relating to the orders of the Hon'ble A.P.A.T. in O.A.No.12326/2009 and quash the same as being erroneous, illegal and unreasonable and pass such other order or orders as this Hon'ble Court may deem fit and proper.

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17. It is prayed that this Hon'ble Court may pleased to suspend the orders of the Hon'ble A.P.A.T. in O.A.No.12326/09 pending disposal of the W.P. and pass such other order or orders as this Hon'ble Court may demed fit and proper.

DEPONENT

Solemnly and sincerely affirmed on this
Day April, 2010 and signed his name
In my presence at Hyderabad.

ATTESTOR

VERIFICATION

I, P.R.Nagulappa, S/o Late Ramaiah, aged about 56 years, residing at Hyderabad, working as Assistant Secretary to Government, Revenue Department the deponent herein, do hereby declare that the facts stated in paragraphs 1 to 16 are true to the best of my knowledge, derived from perusing official records. Hence, verified this day of April, 2010 at Hyderabad.

-Government Pleader for Revenue (G) (A&R).

DEPONENT

GOVERNMENT OF ANDHRA PRADESH
REVENUE (VIGILANCE.II) DEPARTMENT

Memo.No.21303/Vig.II(1)/2007

Dated: 22 .04.2010

Sub:- Suits – Pensions – Sri Challa Purushotham,Tahsildar, retired on 31-10-2005 Visakhapatnam Dist. – O.A.No.12326 of 2009 APAT passed orders – Draft remarks for scrutiny – Reg

Ref:- From A.P.A.T.order dt. 23-2-2010 in O.A.No.12326/2009.

A copy of the draft affidavit are herewith sent to the G.P. for Services.II (Revenue), High Court of A.P. for scrutiny and approval, so as to file the same before the Hon'ble High Court of Andhra Pradesh.

M.RAMAIAH
CHIEF VIGILANCE OFFICER &
JOINT SECRETARY TO GOVERNMENT

To
The Govt. Pleader for Ser.II (Revenue),
High Court Buildings,
High Court of AP, Hyderabad. (w.e).

// Forwarded by order //

GOVERNMENT OF ANDHRA PRADESH
REVENUE (VIG.II) DEPARTMENT

Memo.No.4802/Vig.II (1)/2010

Dated:15.04.2010

Sub:P.S-Tahsildars-East Godavari District-Sri L. Raghu Babu, formerly Tahsildar, Tondangi Mandal-Irregularities committed in issue of PPBs-Disciplinary procgs u/r 20 of the APCS (CC&A) Rules, 1991 - AOCs issued-explanation submitted-Inquiring authority appointed-Inquiry report received- Further representation submitted - Final orders imposing the punishment of stoppage of two annual grade increments without cumulative effect-Appeal Petition submitted-Appeal allowed- Further action dropped-Reg.

- Ref:1.The CCLA's Procgs No.VS-I (3)/1837/2008, dt.20.10.2008
2.The J.C & I.A Ref.No.A5/13945/2007, dt.07.10.2009
3.The CCLA's Procgs No.VS-I (3)/1837/2008, dt.05.12.2009
4.From Sri L. Raghu Babu, formerly Tahsildar, Tondangi (M)
Appeal Petition dated:28.01.2010.

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It was brought to the notice of Government that Sri Konajarla Verabbai has filed a complaint before the Institution of A.P.Lokayuktha stating that he has got ancestral property of Ac.3.08 Cts in R.S.No.558/3 of A.V. Nagaram village and alleged that his land was sold away by one Sri Yenamala Lakshmana Raoto KSEZ in connivance with Mandal Revenue Officer, Thondangi and P.S of K. Prumallapuram. The RDO, Peddapuram conducted an enquiry into the matter and reported that both parties were issued PPB and Title Deeds over the property.Though both the parties are in possession of PPB and T.D, Sri Yenamala Lacharao sold away the property to KSEZ.

2. Sri L. Raghu Babu, while he working as Tahsildar, Tondangi Mandal has issued PPB to Dulla Subbarao and another of A.V Nagram village of Tandangi Mandal . The Joint Collector, E.G. District/DRO, E.G. District were appointed as Inquiring Authority/P.O by the Chief Commissioner of Land Administration vide procg 1st cited to enquire into the matter and the Inquiry Authority has submitted his report vide his Ref 3rd cited, finding that the procedure prescribed under ROR Rules was not followed. He has been observed that "though there is no willful lapse on the part of the C.O, the procedure prescribed under R.O.R rules was not followed by him and to that extent a lapse has been observed. As such, necessary action may be taken for such lapse".

3. The Chief Commissioner of Land Administration after following the due procedure, in his procgs 3rd cited has imposed a punishment of stoppage of two annual grade increments without cumulative effect.The Chief Commissioner of Land Administration has also observed in the procgs that it is evident from the report of the Inquiring Authority that the C.O has committed procedural irregularities,though unintentional but there is no damage to Government interest and the pass books issued were also cancelled.

4. Aggrieved by the above punishment, Sri L. Rahu Babu, formerly Tahsildar, Tondangi Mandal has filed an Appeal Petition before the Government stating that Sri Dulla Subbarao and Smt Konjarla Adilaxmi applied for issue of PPB and TD for S.No.558/3 measuring Ac.0.77 cts each of K.Perumallapuram village duly enclosing an unregistered will in the year 2005 during the revenue sadassulu conducted in the village. The applications were placed before the Grma Sabha and enquired about the enjoyment of the

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applicants before the village elders and found that they have been in enjoyment of the said lands and no objection was raised by the Grama Sabha. The Tahsildar has stated that in certain villages which are existing beside the Sea Coast in the Mandal, the owners do not possess authenticated documents for their lands but were enjoying their land. He has personally enquired with the Panchayat Secretary, K. Perumallapuram and surrounding ryots and it was found that the land in question i.e S.NO.558/3 is under the enjoyment of Sri Dulla Subba Rao and Smt K. Adhi Laxmi @ 0.77 cents each. The Tahsildar further stated that the former M.R.O Sri K. Satyanarayana had issued certain PPB and TDs to Sri Pidim Nageswara Rao, Pidim Paparao, Pidim Subbalakshmi and Pidim Subbalakshmi. Though the above persons are also share holders in the unregistered will said to be executed by Sri Konjala Nagaraju, no body claimed PPB and T.D, that made him to issue PPB and T.D to Dulla Subbarao and another of A.V Nagram village of Tandangi Mandal. As the pass book issued by him was cancelled by the R.D.O, and there is no loss to Government, the individual has requested to set aside the orders issued by the Chief Commissioner of Land Administration.

5. Government after careful examination of the entire issue, and explanation of the individual, have decided to set aside the punishment of stoppage of two annual increments without cumulative effect against Sri L.

Rahu Babu, formerly Tahsildar, Tondangi (M). Accordingly it is order that a the punishment of stoppage of (2) annual grade increments without cumulative effect against Sru L.Raghbabu, M.R.O imposed by the Chief Commissioner of Land Administration are set aside.

The Spl.C.S & the Chief Commissioner of Land Administration, Hyderabad is requested to take further action accordingly.

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri L. Raghu Babu, formerly Tahsildar, Tondangi (M)
(through the Spl.C.S & CCLA, Hyderabad.)
The C.S & the Chief Commissioner of Land Administration, Hyderabad.
Copy to the Collector, East Godavari District

// Forwarded by Order

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
REVENUE (VIG.II) DEPARTMENT

Memo.No.11335/Vig.II (1)/2009

Dated:07.04.2010

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Sub:P.S-Krishna District-Kalidindi Mandal-Bhaskararaopet-Sri M.S. Prakasa Rao, formerly MRO, Kalidindi Mandal (now retired), Sri N. Srinivasa Murthy, MRI, Kalidindi and Sri K. Lakshmaiah, formerly Panchayat Secretary-committed irregularities in issue of PPB & Title

deed in favour of Smt Ch. Lakshmi Parvathi for an extent of Ac.1.28 Cts in RS.No.102/3B and 613/1 of Bhaskararaopet-Initiation of disciplinary action under rule 24 of APKS (CC&A) Rules, 1991-Reg.

- Ref:1.From the CCLA's Lr.No.VS-I (3)/998/2008, dt.2.3.2009
2.G.O.Ms.No.505 Rev (Vig.II) Dept, Dt.8.5.2009
3.G.O.Ms.No.506 Rev (Vig.II) Dept, Dt.8.5.2009
4.G.O.Rt.No.666 Rev (Vig.II) Dept, Dt.8.5.2008
5. G.O.Rt.No.668, Rev (Vig.II) Dept,dt.8.5.2009
6.G.O.Rt.No.669, Rev (Vig.II) Dept, dt.8.5.2009
7. From Sri K. Lakshmaiah, P.S, Punadipadu expln dt.27.6.09
8.From Sri N. Srinivasa Murthy,M.R.I,Kalidindi (M) Expln.dt.Nil.
9. From Sri M.S. Prakasa Rao, MRO (Retd) Expln.dt.3.709
10.G.O.Rt.No:991 Rev (Vig.II) Dept,Dated:18.07.2009
11.From the R.D.O & Inquiry Authority, Krishna Dist
Rc.A2.241/2009, dt.15.03.2009

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Sri MS.Prakasa Rao, formerly MRO, Kalidindi (retd), Sri N. Srinivasa Murthy, MRI, Kalidindi and Sri K. Lakshmaiah, formerly Panchayat Secretary, were commonly involved in committing irregularity in issuance of erroneous pass books and title deed to one Smt Ch. Lakshmi Parvathi in Bhaskararaopet village of Kalidindi Mandal and requested the Govt to initiate disciplinary action in common proceedings u/r 24 of APKS (CC&A) Rules, 1991 against the above 3 AOs as Sri MS.Prakasa Rao, formerly MRO, Kalidindi has retired from service on 31.7.2007 on attaining the age of superannuation.

Accordingly common disciplinary proceedings were issued vide G.O 2nd cited under rule 24 of APKS (CC&A) Rules, 1991 against Sri MS.Prakasa Rao, formerly MRO, Kalidindi (retd), Sri N. Srinivasa Murthy, MRI, Kalidindi and Sri K. Lakshmaiah, formerly Panchayat Secretary. AOCs were issued to all the Accused Officers vide G.Os 4th to 6th cited with a direction to submit their explanations against the Article of charges framed against them. All the A.Os have submitted their explanation vide references 6th to 9th cited. After considering the explanations submitted by the A.Os Govt vide G.O 11th cited have appointed D.R.O, Krishna District as Inquiry Officer to conduct enquiry and submit his report to the Government.

The District Revenue Officer and Inquiry Officer has submitted his report to the Govt vide reference 11th cited and held that the charge framed against all the A.Os are held proved.

Sri MS.Prakasa Rao, formerly MRO, Kalidindi (retd), Sri N. Srinivasa Murthy, MRI, Kalidindi and Sri K. Lakshmaiah, formerly Panchayat Secretary are therefore, directed to submit their written statement of defence if any against the findings of Inquiry Officer within (10) days from the receipt of this Memo. If they fail to submit their explanation in the prescribed time it

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is construed that they have no explanation to offer and further action will be initiated based on the record available with Government.

A copy of the Enquiry Report is herewith enclosed.

ASUTOH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

- 1.Sri MS.Prakasa Rao, formerly MRO, Kalidindi (retd) (w.e),
- 2.Sri N. Srinivasa Murthy, MRI, Kalidindi (w.e)
- 3.Sri K. Lakshmaiah, formerly Panchayat Secretary (w.e),
(through the CCLA, Hyderabad)
- 4.The Spl.C.S & the Chief Commissioner of Land Administration
Hyderabad (with a request to serve the copy along with enclosure
to the each individual and furnish served copy to the Government).
Copy to the Collector, Krishna District.

// Forwarded by order //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
REVENUE (VIG.II) DEPARTMENT

Memo.No.48845/Vig.II (1)/2009

Dt:24.02.2010

Sub: P.S-Krishna Dist-Tahsildars- Sri N.R. Sundar Raj, formerly Tahsildar, Kalidindi Mandal (retired on 30.06.2009)-Committed irregularities in issue of D Form pattas in Government Lands-Departmental procgs under Rule 20 of the APCS (CC&A) Rules, 1991-AOCs issued-Explanation submitted-Inquiring Authority appointed-Inquiry report submitted-Punishment of reduction to lower rank imposed-OA No.5449/05 filed- orders issued by the APAT setting aside the punishment-re-inquiry by the Inquiring Authority-Inquiry report submitted-Conclusion under Rule 9 of the APRP Rules, -Ret.

Ref: 1.From the CCLA's Ir.No.VS-I (3)/731/03 dt.27.10.2009
2.From the CCLA procgs No.VS-I (3)/731/03, dt.19.04.07
3.From the J.C & Inquiry Authority, Rc.No.A2/175/03 dt.5.9.2009.
4.Govt. Memo.No.48845/Vig.II (1)/2009,dt. 20 .11.2009
5. Sri N.R. Sundar Raj, formerly Tahsildar, Kalidindi Mandal,
expln dt. Dt.15.01.10

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It was reported that Sri N.R. Sundar Raju, while working as MRO, Kalidindi Mandal has issued D Form pattas to Government assigned lands in contravention of BSO 15 and the instructions issued in G.O.Ms.No.359 Rev (LR) Dept, dt.18.7.95 read with G.O.Ms.No.146 Rev (LR) Dept, dt.5.2.96.

2. The Chief Commissioner of Land Administration, Hyderabad vide his Proceedings 2nd cited, has appointed the Joint Collector as Inquiry Authority to enquire into the matter and the Inquiry Authority has submitted his report vide his letter 3rd cited holding that out of two charges enquired in to the 1st charge is proved beyond an iota of doubt and for the second charge, the explanation of the C.O that delay has taken place only because of vacancies of VAO can be accepted. The third charge was already accepted by the Charged Officer.

3. Government, in the Memo 4th cited, while forwarding the Enquiry Report to Sri N. Sunder Raj, Tahsildar (Retd), have directed him to submit his defence if any against the findings of the Enquiry Officer.

4. Sri N. R.Sunder Raj, Tahsildar (Retd) in his representation 5th cited, while stating among other things that before the issue of pattas he had personally verified the financial status of some persons and after satisfying himself he had issued pattas also denied issue of pattas to ineligible persons. With regard to assignment to the persons of other villages, he has submitted that he has issued some pattas to some members of the Co-Operative Society who belong to the adjacent mandal or villages. The C.O has stated that the assignments were made in good faith to help the poor people.

5. Sri N.R. Sunder Raj further stated that the Collector, Krishna has issued instructions to the R.D.O, Gudivada in the Ref.No.Rc.E3/ 3768/05, dt.31.6.05 to cancel all the D.Form pattas issued by him. Thus the Govt land for which D-Form pattas were issued, under the process of resumption to the Govt and hence there is no loss to the Government. He requested to drop further action against him by taking a lenient view.

6. Government after careful examination of the matter and keeping in-view the facts and circumstances of the case and explanation of the individual in the references 5th cited, have decided to drop further action against the individual. Accordingly it is hereby ordered that the further action against Sri N.R. Sundar Raj, formerly MRO, Kalidindi mandal be dropped.

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7. The Spl.C.S & the Chief Commissioner of Land Administration, Hyderabad shall take further action accordingly.

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri N.R. Sundar Raju, MRO (Retd),
(through the CCLA, Hyderabad)
The Spl.C.S & the Chief Commissioner
of Land Administration, Hyderabad.
The Collector, Krishna District.

// Forwarded by Order //

SECTION OFFICER

